man, 223 Mass. 62. In the following cases the validity of the marriage was upheld where one of the parties assumed a false name: *Meyer* v. *Meyer,* 7 Ohio Dec. 627; *King* v. *Inhabitants of Burton on Trent,* 3 M. & S. 537; *King* v. *Inhabitants of Billinghurst,* 3 M. & S. 250. In a note to the last case are a number of decisions to the contrary, but these do not need to be considered, for they rest on the peculiar terms of the Marriage Act of England. The strict rule has been somewhat relaxed in some jurisdictions either by statute or by judicial decision. See *Davis* v. *Davis,* 90 N. J. Eq. 158; *Parsons* v. *Parsons,* 68 Vt. 95; *Gatto* v. *Gatto,* 79 N. H. 177. The New York courts especially are extremely liberal. See the leading case of *Di Lorrenzo* v. *Di Lorrenzo,* 174 N. Y. 467; See also *Robert* v. *Robert,* 87 Misc. Rep. 629, where there was a false representation as to financial conditions as in the instant case and yet the court reached a contrary decision. In the instant case the man the petitioner married was the human being she intended to marry. The false representations concerned only the respondent's position or circumstances in life. The fraud was not such as would prevent the party entering into the marriage relation, or having entered into it, would preclude the performance of the marital duties. Therefore, the court in the instant case, in accordance with the strict rule followed in Massachusetts, properly refused relief. See *Day* v. *Day,* 236 Mass. 362; and *Trask* v. *Trask,* 114 Me. 60.

MASTER AND SERVANT—MASTER'S LIABILITY FOR WILFUL TORTS OF SERVANT.—Money had been sent to the plaintiff through the defendant telegraph company. While the latter's messenger was delivering it to the plaintiff at her home, he made an indecent proposal to her. *Held,* (two justices dissenting), the defendant is liable for the misconduct of its messenger. *Buchanan* v. *Western Union Telegraph Co.,* (So. Car., 1920), 106 S. E. 159.

Generally a master is liable for the wilful or malicious tort of his servant only when the act is within the scope of his employment and in furtherance of the master's business. *Illinois Central Railroad* v. *Ross,* 31 Ill. App. 170. These limitations on the master's liability are not recognized where he owes a special duty of protection to the injured party. The duty may be founded on contract * * * as between carrier and passenger, or innkeeper and guest. *Craker* v. *C. & N. W. Ry. Co.,* 36 Wis. 657; *Birmingham Railway L. & P. Co.* v. *Parker,* 161 Ala. 248; *Savannah F. & W. Ry. Co.* v. *Quo,* 103 Ga. 125; *Clancy* v. *Barker* 71 Neb. 83. The duty may be imposed for reasons of public policy, as in cases where the master entrusts the control of a dangerous object or instrumentality to his servant. *Railway* v. *Shields,* 47 Ohio St. 387. On similar considerations of policy, express companies and proprietors of stores, shops and theatres have been held liable for the wilful torts of their servants committed against those coming to their places of business as patrons, though the servant was not acting within the scope of his employment nor in furtherance of his master's business. See *Dickson* v. *Waldron,* 135 Ind. 507; *Richberger* v. *American Express Co.,* 73 Miss. 161; *Brooks* v. *Jennings County etc. Ass'n.,* 35 Ind. App. 221. Though the *"ratio decidendi"* of the principal case is not definitely stated, it rests primarily on grounds of

public policy. The court said, "The appearance of their messenger throws caution to the winds and opens almost every door. May it admit with impunity, a thief, a murderer, or a rapist?" It seems advisable to place such decisions squarely on the ground of public policy and thus to avoid any misapplication of the principles regarding master and servant. See 2 ILL. L. REV. 553; 9 MICH. L. REV. 87; 9 *id.* 181.

MUNICIPAL CORPORATIONS—ORDINANCE REGARDING DANCE MUSIC.—Petitioner was imprisoned for violating an ordinance prohibiting after 10 p. m. dancing or dance-music in a room or hall within twenty-five feet of a residence. Upon habeas corpus proceedings, the ordinance was *held* invalid as being unreasonable and oppressive and violative of the Fourteenth Amendment. *Ex parte Hall,* (Cal. App., 1920), 195 Pac. 975.

Municipalities have a large discretion in the enactment of ordinances, and an ordinance enacted under the police power will not be declared void, unless it is clearly oppressive and unreasonable. DILLON, MUNICIPAL CORPORATIONS, [5th Ed.], 928. It is not possible to adopt a uniform and universal rule saying when an ordinance is unreasonable, and each case must be determined on its own facts. An ordinance requiring all places of business to close at 6 p. m. was held invalid in *Ex parte Harrell,* (Fla.), 79 So. 166, and a similar ordinance was declared invalid in *Saville* v. *Corless,* 46 Utah 495. A curfew ordinance prohibiting persons under 21 from being on the streets after 9 p. m., unless with parent or guardian, is an unreasonable exercise of the police power. *Ex parte McCarver,* 39 Tex. Cr. R. 448. In *Barbier* v. *Connolly,* 131 U. S. 27, the court sustained an ordinance prohibiting washing and ironing in public laundries after 10 p. m., but the danger of fires furnished a proper basis for the police power. The same considerations are involved in the principal case where dancing would be prohibited in private dwellings after 10 p. m. In commenting upon the unreasonableness of the ordinance the court said, "It should be remembered that even in these days of bizarre extremes and freak abnormalities, the muscle-tickling jazz has not yet succeeded in entirely excluding all sane dance music from the places where the devotees of Terpsichore are wont to foregather." A city has the power to require licenses for dance-halls. *Conley* v. *Buffalo,* 119 N. Y. Supp. 87; *Mehlos* v. *Milwaukee,* 156 Wis. 591. It must be noted, however, that licensing is sustained on a power to guard the public morals. The playing of a piano accompanied by dancing and loud noises, until 10 p. m. is a nuisance that will warrant a temporary injunction. *Feeney* v. *Bartaldo,* (N. J. Ch.), 30 Atl. 1101. Public picnics and open air dances within limits of a village cannot be declared nuisances in themselves under a power to define nuisances. *Des Plaines* v. *Poyer,* 123 Ill. 348. A license for police regulation cannot be required of a dancing school where it is not required of dance halls generally. *People ex. rel. Duryea* v. *Wilber,* 198 N. Y. 1. See also 27 L. R. A. (N. S.) 357.